

REMARKS

Applicants have amended claim 1 to provide that the identification means appears on corresponding first and second jig-saw type puzzle pieces which is supported in the application as filed on page 5, lines 14-18 and by reference to Figure 2 of the application. It is respectfully submitted that the amendment to claim 1 does not raise new issues, does not present new matter and should be entered and considered in response to a final Office Action and such action is respectfully requested.

The claims of the application have been rejected over the combination of Pollard (815) in view of Hopkins (533). In setting forth this rejection, emphasis was placed on the decision of In re Gulack as holding that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. The rejection is hereby traversed and reconsideration is respectfully requested.

The present invention is directed to a lottery ticket having two play areas each containing respective jig-saw type puzzle pieces. The first play area contains first jig-saw type puzzle pieces which are covered by a removable scratch-off layer. The second play area comprises at least one second play region with each second play region containing at least two second jig-saw type puzzle pieces which may be the same shape as one or more first jig-saw type puzzle pieces located in the first play

area. Of particular importance to the claimed invention is the presence of a jig-saw puzzle piece identification system comprising identification means which appears on corresponding first and second jig-saw type puzzle pieces which enable an identification of a match of the respective jig-saw puzzle pieces which eliminates the need for placing the pieces upon each other.

The Pollard reference is directed to an instant bingo game which has a caller's card containing a plurality of bingo numbers covered by a scratch-off layer and then a plurality of bingo cards or player's cards with exposed numbers. The object of the reference game as is apparent from the well established bingo system is to fill one of the playing cards with a row, column, or diagonal of bingo numbers. This bingo system as described above is notoriously well known. The Pollard patent reference confronts the problem of identifying matches between the caller's card and the bingo play cards. This system is generally described at column 2, lines 7-18 and described in detail beginning at column 3, line 38. In brief, the reference provides a marking system through the use of translucent scratch-off layers wherein when one of the bingo numbers is found in the player's card, removal of the scratch-off layer of that number results in a color change because of the presence of a colored layer in that play area. Thus, the Pollard reference provides a marking system enabling the player to identify a match between bingo numbers appearing in the caller's card and the same numbers appearing in one or more of the player's cards. This matching system is through a series of complex translucent, colored scratch-off layers.

Hopkins discloses a promotional game which is not played on a single lottery ticket as required in the present invention but must be played by removing puzzle pieces from the game card and physically placing them in super imposed relationship onto a separate game board.

The Office Action contends that Hopkins is applicable to Pollard by replacing the bingo system with a jig-saw type of puzzle system. Even assuming that this is a proper combination, the combination of Pollard and Hopkins therefore teaches a jig-saw puzzle system in which matching of jig-saw puzzle pieces from a first game area and a second game area is made through the same complicated scratch-off colored system described by Pollard. There is no provision in the combination of these references for a jig-saw puzzle piece identification system of the present invention comprising identification means appearing on corresponding first and second jig-saw type puzzle pieces.

The contention that In re Gulack prevents patenting of the present invention because the identification system is nothing more than printed matter is without merit. In re Gulack stresses that differences between invention and prior art cited against it cannot be ignored merely because those differences reside in the content of printed matter. Indeed, a printed matter rejection under section 103 stands on questionable legal and logical footing (In re Gulack 217 USPQ at 403 Footnote No. 8).

There can be no question that the jig-saw piece identification system comprising identification means which appears on both the first and second jig-saw type of puzzle pieces is functionally related to the respective play areas to enable the player to match jig-saw puzzle pieces to be sure that they are a proper match without having to superimpose them as in Hopkins. The translucent colored marking system of Pollard does not provide a means of matching puzzle pieces. This is because game symbols in the Pollard bingo game are readily recognizable by the player. The marking system provided Pollard simply shows by visual display of a contrasting color, the various matches that have been made.

In the present invention, because of the nature of the irregular shape puzzle pieces, the player cannot readily discern matching pieces without difficulty. Accordingly, there is employed the identification means of the present invention to enable the player to identify matches. There is no provision for the use of scratch-off layers or colored translucent systems to keep track of the matches that the player has provided.

In view of the foregoing, Applicants submit that the present application is in condition for allowance and early passage to issue is therefore deemed proper and is respectfully requested.

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It is believed that no fee is due in connection with this matter. However, if any fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allen R. Kipnes", written over the typed name.

Allen R. Kipnes, Esquire
Registration No. 28,433
Attorney for Applicant

Address All Correspondence to:

Allen R. Kipnes, Esquire
WATOV & KIPNES, P.C.
P.O. Box 247
Princeton Junction, NJ 08550
(609) 243-0330